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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Secretary-General

SUMMARY

The present report contains the performance report of the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 1996. An amount totalling $35,430,622 net ($39,690,072 gross) was appropriated by the General Assembly in its resolutions 50/212 A, B and C for the year 1996. In its resolution 51/214 of 18 December 1996, the General Assembly approved the use of the credit of the unencumbered balance for 1996, amounting to $5.0 million, in financing the budget of the International Tribunal for 1997. During the year 1996, the actual expenditures amounted to $30,429,500 against provisions of $35,430,622.

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I. INTRODUCTION

1. The previous performance report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/50/69), submitted in response to resolution 49/242 B of 20 July 1995, detailed the expenditures for the biennium 1994-1995. The present report contains the performance report of the International Tribunal for 1996.

2. The year 1996 was to be the first year of full trial activity for the Tribunal. However, several delays were experienced in the prosecution of the cases that were scheduled. This had the effect of pushing back all of the courtroom activities of the Tribunal but had very little effect upon costs. Even in the area of Defence Counsel, expenditures continued, as the defence case is built up over several months prior to the trial appearance. The delays were mostly to permit background investigative work to be completed. In the case of indigent indictees, the related Defence Counsel fees were chargeable to the Tribunal.

3. In October 1995, the Defence Counsel to Mr. Dusko Tadic requested the Trial Chamber to delay the start of the trial, as more time was needed to prepare the defence. This request was granted, and 7 May 1996 was set as the starting date. At the conclusion of the Prosecution case, the Defence Counsel asked for a further one month delay, as several potential witnesses had refused to give evidence. The delay was granted. The hearing of evidence was completed by the end of 1996, and on 7 May 1997 the court found the defendant guilty of 11 charges out of a total of 34.

4. In April 1996, General Blaskic surrendered himself to the custody of the International Tribunal. Although the initial proceedings against him should have commenced immediately, at the request of the Defence Counsel these proceedings were delayed until the supporting material to the indictment was translated into Croatian. This delayed the trial for seven months.

5. In June 1996, Mr. Erdemovic pleaded guilty to committing crimes against humanity. The Trial Chamber decided to delay the sentencing hearing by six months, as Mr. Erdemovic's health was deteriorating.

6. The 1996 activities of the International Tribunal yielded four indictments involving 14 accused persons, 4 of which have been surrendered to the International Tribunal. Negotiations were undertaken for transferring accused persons in the custody of several Member States to the custody of the International Tribunal. By year end, there were five accused in detention awaiting trial plus one person awaiting sentencing and one awaiting appeal. In this regard, the Chambers have foregone the proposed traditional arrangement of three judicial sessions of approximately 12 weeks each and have been sitting continuously since the beginning of May 1996. In addition, judges and legal support staff have been operating on a 24-hour-a-day roster basis, thereby ensuring that the Chambers are available to hear any immediate applications that may arise.

7. In its resolution 51/214 of 18 December 1996, the General Assembly approved the financing of the International Tribunal for 1997 on the basis of a combination of assessments, the use of credits under the Special Account for the United Nations Protection Force and the use of an estimated unencumbered balance of $5.0 million. Actual expenditures recorded for 1996 amount to $30,429,500, against a total appropriation of $35,430,622 net.

8. The breakdown by object of expenditure and the related variances against the approved estimates are explained below.

9. The reported unencumbered balance resulted primarily from savings under personnel costs, allowances of judges, travel, contractual services, general operating expenses, supplies and materials, and furniture and equipment. These were partially offset by additional requirements for temporary assistance, overtime, and consultants and experts.

II. PERFORMANCE REPORT FOR THE PERIOD FROM 1 JANUARY 1996 TO 31 DECEMBER 1996

Summary statement by object of expenditure

(Thousands of United States dollars)

Object of expenditure	Appropriation	Total expenditures	Variance
Temporary posts	19 973.4	15 766.0	4 207.4
Salaries and allowances of judges (including common costs of judges)	1 756.8	1 679.2	77.6
Temporary assistance	895.7	969.9	(74.2)
Consultants	76.7	96.1	(19.4)
Overtime and night differential	107.0	485.5	(385.5)
Travel on official business	2 218.0	2 089.4	128.6
Contractual services	3 950.0	3 689.3	260.7
General operating expenses	4 251.4	4 163.0	88.4
Hospitality	2.9	1.1	1.8
Supplies and materials	910.7	309.5	601.2
Furniture and equipment	1 288.0	1 180.5	107.5
Total	35 430.6	30 429.5	5 001.1

Temporary posts (Expenditure: $15,766,000)

10. The savings of $4,207,400 under this heading resulted from a number of posts which were either encumbered late in the period or not at all before the end of 1996. The situation arose as the additional 79 (out of a total of 84) staff requested in the report of the Secretary-General of 13 December 1995 (A/C.5/50/41) were only approved by the General Assembly on 7 June 1996 (resolution 50/212 C).

Salaries and allowances of judges (including common costs of judges) (Expenditure: $1,679,200)

11. Savings of $77,600 arose from lower than anticipated costs for the installation of three judges who took up residence at The Hague in 1996.

Temporary assistance (Expenditure: $969,900)

12. The net overexpenditure of $74,200 resulted from the recording of actual travel expenditures ($120,000) of field interpreters under this heading. As budgetary provisions exist under the travel component, these costs would more appropriately have been recosted as travel rather than temporary assistance charges. Had these travel expenditures not been recorded under this heading, there would have been a net savings of $45,800 instead of an overexpenditure of $74,200 against the temporary assistance provision.

Consultants (Expenditure: $96,100)

13. Additional expenditures of $19,400 were required to obtain professional expert advice on evidence brought before the International Tribunal, including the need for forensic examination of exhibits, as well as the provision of expert testimony.

Overtime and night differential (Expenditure: $485,500)

14. An additional 17 Security Officers were requested in the report of the Secretary-General of 15 November 1996 (A/C.5/51/30) for the full year 1996. However, the General Assembly did not approve the increase in staff resources until 7 June 1996 (resolution 50/212 C). As the requirement for additional Security Officers existed from the beginning of the year and was seen as a priority need, additional coverage had to be provided by the existing officers working overtime and multiple shifts, resulting in excess overtime payments.

Travel on official business (Expenditure: $2,089,400)

15. As detailed in paragraph 12, the budgetary estimates for travel of field interpreters were included under this heading. The actual accounting transactions however recorded expenditures of $120,000 against this object of expenditure under the heading of temporary assistance. Had the actual costs been charged to this account, the savings under travel would have amounted to $8,600 instead of $128,600, as reflected in the summary table.

Contractual services (Expenditure: $3,689,300)

16. Savings of $260,700 were attributable to the fact that actual expenditures were lower than initially anticipated in two areas, namely training and detention facility guard costs. The provision in the cost estimates for detention guards allowed for 23 prison guards; however, only 17 guards were used during the year. In the area of training, the intention of the International Tribunal was to provide training to technical personnel and to professional, administrative and clerical staff as they were recruited. In line with delays in recruitment, the training programme for 1996 was postponed.

General operating expenses (Expenditure: $4,163,000)

17. Overall savings of $88,400 in this amalgamated account resulted from the compensation of increased expenditure requirements for communications and rental and maintenance of equipment by savings resulting from postponement of minor alterations to premises as well as several contracts for building and grounds maintenance and cleaning not being realized before the end of the year.

18. Overruns under communications are due to higher domestic and long-distance telephone line costs than were originally estimated. This, coupled with the heavy reliance on the use of telecommunications equipment (telephone/facsimile) by the International Tribunal, especially between The Hague and the region of the former Yugoslavia, led to overexpenditures under this heading.

19. Owing to delays in the procurement process caused by the combined effect of delayed receipt of additional resources for the year and shortage of staff to process procurement requests, additional resources were required for rental of equipment needed to cover the short-term operational requirements of the International Tribunal.

Hospitality (Expenditure: $1,100)

20. Savings of $1,800 were realized owing to lower than anticipated expenditures for official functions.

Supplies and materials (Expenditure: $309,500)

21. Savings of $601,200 resulted from lower than anticipated expenditures for photographic supplies, data-processing supplies and petrol.

Furniture and equipment (Expenditure: $1,180,500)

22. Savings of $107,500 were realized primarily because the International Tribunal was able to purchase furniture at a lower than expected unit cost, which resulted in underexpenditures under this heading. Savings were also due to the postponement of the procurement of electronic data-processing equipment in line with the delayed recruitment of additional staff.

III. ACTION TO BE TAKEN BY THE GENERAL ASSEMBLY AT ITS FIFTY-FIRST SESSION

23. The General Assembly is requested to take note of the present report.